From: California Law360
To: Gorwood, Kathy
Subject: Wave Of Publicity Suits Washing Over Hollywood, Attys Say
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Law360 California

CALIFORNIA

Monday, March 5, 2018

TOP NEWS

Wave Of Publicity Suits Washing Over Hollywood, Attys Say

BigLaw entertainment attorneys speaking at an American Bar Association panel in Napa Valley, California, on Friday shared their concerns about a recent trend of right of publicity and defamation suits filed against media giants like FX, Fox and Lifetime, saying the cases threaten to make it more difficult for Hollywood producers to make docudramas and sports features. Read more »

BoA Can't Use Dodd-Frank To Dodge Calif. Law, 9th Circ. Says

The Ninth Circuit on Friday revived a putative class action alleging Bank of America is illegally dodging a California law requiring it to pay interest on mortgage escrow accounts, finding that the bank must abide by the state consumer law because the law doesn't interfere with the bank exercising its banking powers. Read more »

VW Nixes Bondholders' Fraud Suit Over Emissions, For Now

A California federal judge Friday granted Volkswagen AG's bid to dismiss bondholders' putative class action over allegedly inflated bond values prompted by the 2015 diesel emissions scandal, finding that a November Second Circuit decision upends the logic the court relied on in moving the claims forward in July. Read more »

Website Class Seeks OK Of $11M Google AdSense Deal

A class of website owners accusing Google of withholding advertising revenue asked a California federal judge Thursday to preliminarily approve an $11 million settlement with the search giant. Read more »

Trump Nominates Former Bingham Atty For IRS Chief Counsel

Michael J. Desmond, a former Bingham McCutchen LLP partner turned independent tax practitioner, has been nominated to be the chief counsel of the Internal Revenue Service, according to a Friday announcement from the White House. Read more »

Atty's $4.3M Suit Says Sheppard Mullin Backed Ponzi Scheme

A Los Angeles attorney has sued Sheppard Mullin Richter & Hampton LLP and one of its partners for $4.3 million in California state court, claiming the partner and firm committed legal malpractice and fraud by backing an investment opportunity that an arbitrator later deemed a Ponzi scheme. Read more »

LEGAL ETHICS & MALPRACTICE

Calif. Atty Sued For $23M Over EB-5 Investor Scheme

The court-appointed receiver for a private equity firm accused by the U.S. Securities and Exchange Commission of cheating 135 EB-5 immigrant investors out of millions filed a $23 million suit on Thursday in California federal court against an attorney and her law firm, saying she helped facilitate the scheme. Read more »

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Akin Gump
Allen Matkins
Alston & Bird
Arent Fox
Arnold & Porter
Baker Botts
Ballard Spahr
Baron & Budd
Bingham McCutchen
Bona Law PC
Butler Snow LLP
Cantey Hanger
Caplin & Drysdale
Carey Rodriguez
Chimicles & Tikellis
Clifford Chance
Cooley
Cotchett Pitre
Covington & Burling
Cravath Swaine
DLA Piper
Davis Wright Tremaine
De Castro West
Desmarais LLP
DiCello Levitt
Doniger Burroughs
Drinker Biddle
Duane Morris

ENERGY & ENVIRONMENTAL

Tesla Factory In Calif. Fined For Pollution Problems

Tesla Inc. agreed to pay a nearly $140,000 penalty and install a solar power system at a local charity to settle air quality violations at its Fremont, California, manufacturing plant, a San Francisco environmental regulator said Thursday. Read more »

Exxon Wants To Probe Calif. Officials On Their Climate Suits

Exxon told a Texas state court on Thursday that it should be able to take testimony from attorneys and California public officials it believes are leading a politically charged effort to squash the company's free speech rights by suing the oil giant over its alleged climate change liability. Read more »

Feds Urged For View On Where To Hear Climate Tort Claims

The California federal judge who refused to remand to state court San Francisco and Oakland's climate change torts against Exxon, BP and others asked the U.S. government late Thursday to weigh in on whether the cities' claims should be governed by federal common law, a question he's already certified for interlocutory appeal. Read more »

INSURANCE

Insurer Must Cover Kickback Scheme Suit, 9th Circ. Affirms

The Ninth Circuit on Friday upheld a lower court's finding that Hanover Insurance Co. must defend a real estate brokerage firm in a proposed class action over an alleged kickback scheme, finding that the insurer didn't show that all of the claims in the underlying action fall under a policy exclusion for deceptive business practices. Read more »

PRODUCT LIABILITY

Walmart Hit With 2nd Suit Claiming False Egg Labeling

Another group of consumers has sued Walmart Inc. and an egg supplier over false labeling, this time in Washington federal court Friday, saying the retail giant lies about the treatment of chickens and maintains that their cage-free eggs come from hens with "outdoor access" when they are actually confined to industrial barns. Read more »

Ford Wants Classes Trimmed Again In Faulty Screen Row

Ford Motor Co. on Thursday asked a California federal court to further snip away at a class action accusing it of selling vehicles with faulty touch screens before a looming May trial, arguing a handful of claims have proven they're not fit to be handled on a class level. Read more »

PRIVACY & CONSUMER PROTECTION

Bitcoin Cash Buyer Accuses Coinbase Of Insider Trading

An Arizona investor who used Coinbase Inc. to purchase cryptocurrencies like Bitcoin Cash filed a proposed class action against the platform Thursday in California federal court, accusing it of violating California's Unfair Competition law by allowing employees to conduct insider trading.
Read more »

Facebook Can't Dodge Non-Users' Face Scan Privacy Claims

A California federal judge held Friday that Facebook can't shake a proposed class action over its allegedly unlawful collection and storage of non-users' facial scans, declining to toss the matter for lack of standing, just as he recently did in a related suit involving users of the site. Read more »

Lyft Says Calif. Suit's Deal Ends 9th Circ. Privacy Appeal

Lyft urged the Ninth Circuit on Thursday not to revive drivers' putative class action over alleged privacy violations during the interview process, arguing the court doesn't have to consider whether the case has merits because the

Dykema Gossett PLLC
Fish & Richardson
Fisher Phillips
Foley & Lardner
Foley Hoag
Fox Rothschild
Fried Frank
Gerard Fox Law PC
Gibson Dunn
Glancy Prongay
Goodwin
Gordon & Rees
Graham & Mauer
Greenberg Traurig
Greer Burns
Hagens Berman
Hausfeld
Haynes and Boone
Hogan Lovells
Holland & Knight
Irell & Manella
Jackson Lewis
Jones Day
K&L Gates
Kabateck Brown
Katten Muchin
Keker Van Nest & Peters
Kilpatrick Townsend
King & Spalding
Kirkland & Ellis
Latham & Watkins
Lewis Brisbois
Lieff Cabraser
Littler Mendelson
Manly Stewart
Mayer Brown
McCune Wright
Morgan & Morgan
Morgan Lewis
Morris Nichols
Mostyn Law Firm
Munger Tolles
Norton Rose Fulbright
O'Melveny & Myers
Ogletree Deakins
Orrick Herrington
Paul Weiss
Perkins Coie
Pomerantz LLP
RJS Law
Reed Smith
Reese Marketos
Robbins Geller

proposed lead plaintiff has already settled his claims. Read more »

PERSONAL INJURY & MEDICAL MALPRACTICE

Calif. Car Dealer On Hook For $7.4M Personal Injury Award

A California appellate court on Friday affirmed a $7.4 million jury award to a man who accused a used car dealership of failing to replace worn auto parts, which the driver said caused an accident and left him partially paralyzed, despite the dealership's argument that he didn't prove causation.
Read more »

INTELLECTUAL PROPERTY

Taylor Swift Beats 'Shake It Off' Lyrics Suit

A California federal judge granted a win on Friday to Taylor Swift in a copyright suit brought by a pair of songwriters over her 2014 hit "Shake It Off," after the songwriters failed to file an amended complaint before a Feb. 26 deadline. Read more »

MEDIA & ENTERTAINMENT

James Franco, Seth Rogen Cos. Sued Over 'Disaster Artist'

A former UCLA teaching assistant for James Franco who claims he wrote a screen adaptation at the actor's urging for the film "The Disaster Artist" has sued the production companies for Franco and Seth Rogen, alleging they reneged on promises for a film credit and another movie deal. Read more »

SECURITIES & WHITE COLLAR

Rosenstein Speaks Out Against 'Unfair' DOJ Settlements

Deputy Attorney General Rod Rosenstein on Friday told white collar attorneys that the Department of Justice wants to reward companies with strong compliance programs and avoid imposing corporate-level penalties that disproportionately harm investors and other stakeholders as opposed to wrongdoers. Read more »

COMPETITION

Cisco, Arista Vie For Quick Wins In Ethernet Antitrust Row

Cisco Systems Inc. and Arista Networks Inc. both moved for quick wins Thursday in Arista's California federal court antitrust suit over the sales of Ethernet switches, with Arista arguing that expert analysis is enough to establish antitrust markets over which Cisco enjoys "monopoly power."
Read more »

Qualcomm Fights Antitrust Class' Bid For Full EU Decision

Qualcomm Inc. urged a federal magistrate judge not to force it to disclose an unredacted version of a European Commission report accompanying a €997 million ($1.22 billion) fine for abusing its dominance for semiconductor chips used in cellular devices, arguing the disclosure in a California antitrust case would violate EU law. Read more »

PRIVATE EQUITY

Tricida Secures $100M In Debt Financing For Latest Drug

Tricida Inc. has scored $100 million in new financing from life science and technology-focused private equity firm Hercules Capital Inc., the biopharmaceutical company said Friday, as it looks to push forward in the development of its leading drug candidate for chronic kidney disease patients. Read more »

IMMIGRATION

Analysis

Rosen Law Firm
Russ August
Schiff Hardin
Setareh Law Group
Seyfarth Shaw
Sheppard Mullin
Shook Hardy
Sidley Austin
Skadden
Snell & Wilmer
Stamoulis & Weinblatt
Stern & Kilcullen
Stevens & Lee
Sullivan & Cromwell
Susman Godfrey
Tadlock Law Firm
Tensegrity Law Group
Thomas Combs
Weinstein & Numbers
White and Williams
Wilson Sonsini

COMPANIES

ABC Inc.
Adidas AG
Adobe Systems Incorporated
Allergan PLC
Amazon.com Inc.
American Airlines Group Inc.
American Bar Association
American Civil Liberties Union
American Electric Power Company Inc.
American Enterprise Institute
American Express Company
American International Group Inc.
Apple Inc.
Arista Networks Inc.
Association of Corporate Counsel
BP p.l.c.
Bank of America Corporation
Barclays PLC
Boston Scientific Corporation
Bristol-Myers Squibb Company
BuzzFeed Inc.
Calvin Klein Inc.
Chevron Corporation
Cisco Systems Inc.
Clearing House Payments Co. LLC
Coinbase Inc.
ConocoPhillips
Consumer Reports
Cornerstone Research Inc.
Dr Pepper Snapple Group Inc.

9th Circ. Takes Center Stage On DACA As Congress Dawdles

Immigration negotiations in Congress have come to a standstill, and all eyes are now on the Ninth Circuit as it considers the fate of some 800,000 beneficiaries of Deferred Action for Childhood Arrivals, which the Trump administration had originally slated for termination on Monday. Read more »

SPORTS

Aly Raisman Is Latest Gymnast To Sue Over Nassar Abuse

Gold medal Olympic gymnast Aly Raisman is the latest former athlete to sue over sexual abuse and harassment by former sports doctor Larry Nassar, launching a lawsuit in California state court alleging USA Gymnastics and the U.S. Olympic Committee organizations failed to protect her and others from Nassar's misconduct. Read more »

EXPERT ANALYSIS

Jurisdiction Issues Dog Multistate Class Actions

Relying on the U.S. Supreme Court's 2017 Bristol-Myers Squibb ruling, the Northern District of Illinois recently rejected a putative nationwide class action in DeBernardis v. NBTY Inc. Federal appeals courts will likely soon weigh in on such attempts to preclude multistate class actions on jurisdictional grounds, say Michael Leffel and Aaron Wegrzyn of Foley & Lardner LLP. Read more »

3 Data Challenges In Wage And Hour Damages Analysis

In January 2018 alone, 679 lawsuits alleging violations of the Fair Labor Standards Act were filed in district courts in the United States, and virtually all were collective actions. Christine Davis and Leonore Ralston of OnPoint Analytics discuss common data-related challenges that can emerge when analyzing wage and hour claims and how to overcome them. Read more »

Childproof Cannabis Packages Won't Impress Jeff Sessions

A group of cannabis-oriented businesses recently announced standards meant to "protect consumers and demonstrate to regulators, financial institutions and the public that they operate at the highest level of ethics and responsibility." But these measures, including labeling, child-resistant packaging and health warnings, are unlikely to convince the U.S. Justice Department, says Neama Rahmani of West Coast Trial Lawyers. Read more »

Opinion

States Must Fill Void Created By CFPB Regulatory Vacuum

Our nation's most aggressive consumer watchdog, the Consumer Financial Protection Bureau, has essentially been muzzled. It is now, more than ever before, incumbent upon states and their legislatures to ensure that their citizens are protected from unscrupulous financial institutions who only care to protect their bottom line, say Brian Kabateck and Shant Karnikian of Kabateck Brown Kellner LLP. Read more »

LEXIS PRACTICE ADVISOR

Strategies For FCRA Employment Class Actions: Part 1

Employers' increased use of various consumer reports coupled with the Fair Credit Reporting Act's highly technical requirements has led to an uptick in employment-related FCRA class actions. In part 1 of this two-part article James Boudreau and Christiana Signs of Greenberg Traurig LLP discuss the most common types of claims in this area and response strategies. Read more »

LEGAL INDUSTRY

The Firms Landing The Most Cases In 7 Practice Areas

In a new report from the legal analytics firm Lex Machina, case volume

Elevate Services Inc.
Exxon Mobil Corporation
FX Networks LLC
Facebook
Ford Motor Company
Goal Group Ltd.
Goldman Sachs Group Inc.
Google Inc.
Gucci Group NV
HCP, Inc.
Hiscox
Horizon Pharma PLC
Integreon Managed Solutions Inc.
International Business Machines Corporation
Johnson & Johnson
Lambda Legal Defense & Educational Fund
LexisNexis Group
Lifetime Entertainment Services Inc.
Lyft Inc.
Merck & Co Inc.
Merrimack Pharmaceuticals Inc.
Michael Foods Group Inc.
Microsoft Corporation
Moody's Corporation
Morgan Stanley
NBCUniversal Inc.
NBTY, Inc.
NFL Enterprises LLC
National Association of Realtors
Natures Way Products LLC
New York Times Co.
Nokia Corporation
PayPal Inc.
QUALCOMM Incorporated
Rabobank
Reed Elsevier
Rite Aid Corporation
Royal Dutch Shell PLC
Safeco
Salt River Project
Spectrum Communications Inc.
Spokeo Inc.
Title Source Inc.
Tricida Inc.
Twentieth Century Fox Film Corp.
Twilio Inc.
U.S. Chamber of Commerce
United States Olympic Committee
Volkswagen
Wal-Mart Stores Inc.

speaks volumes. Here are the firms finding their services in the highest demand over the past five years. Read more »

Analysis

ABA's 'No' To Anti-Money Laundering Bills Sparks Dissent

The American Bar Association's hard-line stance against a pair of anti-money laundering bills being considered by Congress that it says threaten the attorney-client relationship has stirred dissent inside and outside the organization about U.S. lawyers' proper role in stemming the global flow of illegal money, experts say. Read more »

Analysis

Legal Tech Download: Robot Reviews And Contract Lawyering

The world of legal technology is quickly evolving, with new products coming to market in rapid succession. Here, Law360 takes a look at seven recent developments. Read more »

GC Cheat Sheet: The Hottest Corporate News Of The Week

A new report found that female general counsel are more likely to be paid the same as their male counterparts in the U.S. than elsewhere in the world, Morgan Stanley's GC said at a panel that the white collar bar will face "declining demand" for their services in the financial sector and investors sued Wynn Resorts' general counsel and others over insider trading. These are some of the stories in corporate legal news you may have missed in the past week. Read more »

Pro Bono Spotlight

Holland & Knight Helps Bring Reforms To Fla. Prisons

After more than a year of negotiations with the Florida Department of Corrections, Holland & Knight LLP attorneys, working with Disability Rights Florida and others, recently helped secure a settlement that should help inmates with severe and persistent psychiatric disabilities get the treatment they need. Read more »

In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week. Read more »

Podcast

Law360's Pro Say: Legal Movie Awards Oscar Special

On the latest episode of Law360's Pro Say podcast we present the first annual Academy Lawards, a celebration of achievements in cinema focusing on the law. Read more »

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AMGEN
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Hogan Lovells US LLP
San Francisco, California

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Carlson, Calladine & Peterson LLP
San Francisco, California

Patent Agent
Perkins Coie
Palo Alto, California

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Patent Prosecution Associate (Biological Sciences)
Jones Day

Patent Prosecution Associate (Biological Sciences)
Jones Day

Wells Fargo & Co.
Wynn Resorts Ltd.
Zynga Inc.
eBay Inc.

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Central Intelligence Agency
Consumer Financial Protection Bureau
Delaware Court of Chancery
Equal Employment Opportunity Commission
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Federal Communications Commission
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Federal Trade Commission
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Internal Revenue Service
International Trade Commission
Judicial Conference of the United States
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U.S. Department of Homeland Security
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U.S. Department of Labor
U.S. Department of the Treasury
U.S. Patent and Trademark Office
U.S. Senate
U.S. Supreme Court
Wage and Hour Division

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